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DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (Category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[30 July 1991]

THE HUMAN RIGHTS SITUATION OF INDIGENOUS PEOPLES IN GUATEMALA

1. The International Federation of Human Rights (IFHR), which has recently conducted an investigation into the human rights situation in Guatemala during the month of April, is still concerned about constant violations of human rights in that country. Particularly since the victims are, for the most part, members of the indigenous population, which constitutes approximately 65 per cent of Guatemala's total population. As it has told the Sub-Commission on other occasions, IFHR considers the indigenous peoples of Guatemala to be the victim of widespread discrimination, hegemonic domination, economic exploitation, ethnic oppression and open repression, as has also been affirmed by experts in the field. This combination of unfavourable circumstances means that the human rights and fundamental freedoms of these peoples are being comprehensively and systematically violated.

2. The Political Constitution of the Republic of Guatemala, which entered into force in 1986, recognizes the existence of the indigenous population for the first time at this level. Its section III contains provisions on, inter alia, the right to a cultural identity, the ownership of communal lands and the assurance of adequate working conditions for peasants who are transferred from the Altiplano to farms on the Costa Sur. It also provides that a specific law will be adopted for the protection of indigenous communities. In this case, however, it is just the same as with other laws in Guatemala, which are not respected by the very authorities responsible for enacting and applying them. It is, moreover, impossible to apply such laws in a country where de facto discrimination exists.

3. With regard to economic and social rights, initial estimates for 1990 indicate that 9 out of 10 Guatemalan families live in poverty and that one in three individuals lives in extreme poverty, that is, on an income which fails to cover minimum living requirements (AVANCSO [Association for the Advancement of Social Sciences], La política de desarrollo del Estado guatemalteco, 1986-1987), while the Minister of Finance has confirmed that Guatemalans were worse off in 1990 than in 1985. For its part, the United Nations Development Programme (UNDP) reported that, in 1990, 73.2 per cent of Guatemalans were extremely poor and that 12.5 per cent of the population lived in extreme poverty; in other words, 84.8 per cent of the population is poor. The situation is worse in rural areas, where 96 per cent of the population is poor, with 83 per cent living in extreme poverty. All of this results in a short life expectancy and high rates of mortality, morbidity, malnutrition and illiteracy and is a serious violation of the economic and social rights of the indigenous population.

4. Human rights and civil and political rights are also being violated through extrajudicial executions of an individual or collective nature, enforced disappearances, forced recruitment into military service and mandatory participation in civil defence patrols, all of which are violations that keep Guatemala's rural population in a state of fear. Examples include the massacre of peasants in Santiago Atitlán on 2 December 1990, the extrajudicial execution of two members of the Runujel Junam Council of Ethnic Communities (CERJ) in Chumimá, Chichicastenango, and the recent disappearance of Santos Toj Reinoso, also a member of CERJ, on 26 May 1991.

5. Forced recruitment into military service, carried out in a discriminatory manner by the Guatemalan army, is another practice which violates the human rights of indigenous peasants, whose conscription is, given the manner in which it is effected, tantamount to kidnapping. Many grass-roots organizations have vociferously demonstrated their repudiation of this practice, which particularly affects indigenous youths, although it also has serious implications for the family and the community.

6. The application of this policy of individual extrajudicial execution, enforced disappearances, massacres and scorched earth continues to take a huge toll in terms of human suffering, producing orphans, refugees, displaced persons and widows, the majority of whom are indigenous persons. Their situation is today one of the most disturbing in terms of human rights and we shall therefore refer specifically to some of these sectors that have been harmed by Government policy.

7. The Guatemalan refugee community in Mexico, represented by its Permanent Commissions, has requested the Guatemalan Government to begin negotiations on the fulfilment of six conditions which the refugees have laid down for their collective, voluntary and organized return to the country with dignity and in safety. It is with the greatest concern that we have learned that, at the most recent meeting, held in Guatemala City on 4 June 1991, between the members of the Permanent Commissions and the National Commission for Attention to Returnees, Refugees and Displaced Persons (CEAR), which acts on behalf of the Government, the Government side refused to accept the six conditions, since they are already provided for in the Constitution. However, it is a well-known fact that laws are not respected in Guatemala and the refugees, as victims of repression by the security forces, therefore need specific measures of assistance. At the same meeting, the Chairman of CEAR, who is also Vice-President of the Republic, linked the refugees' representatives with the insurrection - the equivalent of a death threat in Guatemala. As a result of this intransigence on the part of the Government, formal talks have not yet begun, and this will delay the longed-for return to the country.

8. Other victims of Government violence are the thousands of persons - old and young, men and women - who are still, after almost 10 years, living in the mountainous areas of El Quiché department as members of the Peoples' Resistance Communities (CPR), which were organized many years ago, but came forth publicly only in September 1990 and have since then been demanding that the Guatemalan Government and armed forces should cease harassing their members, who are non-combattant civilians and therefore a protected category under international humanitarian law. These persons are the victims of constant violations of international humanitarian law, such as indiscriminate bombardment, and have also been accused by Government authorities of having links with the insurrection - an accusation which obstructs any possibility of talks aimed at improving their particularly difficult living conditions.

9. The Government's solution to the problem of refugees and displaced persons is to relocate them on the terms and under the conditions decided by the Government and the army. This is unacceptable to those who have been, and continue to be, the victims of repressive Government actions.

10. The situation of the widows, who, by conservative estimates, number some 50,000, deserves particular attention because they suffer many forms of discrimination: as women, as poor peasants, as indigenous persons and, now, as widows. It was therefore an historic event that they came together to establish the National Coordination of the Widows of Guatemala (CONAVIGUA), through which they are fighting for respect for their rights and as a result of which they have also suffered persecution and been accused of links to the guerrilla movement.

11. The internal displaced persons, whose number in 1989 was very conservatively estimated by the International Conference on Central American Refugees (CIREFCA) at 100,000, are represented by the National Council for Displaced Persons (CONDEG). They, too, have suffered the disappearance and/or execution of their leaders and members, but they nevertheless continue to present their just demands to the Government, although these have so far gone unheeded.

12. In the light of the foregoing, IFHR considers that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should adopt a resolution expressing its concern at the human rights situation in Guatemala and, in particular, the situation of the indigenous peoples, emphasizing both the failure to guarantee their economic, social and cultural rights and the plight of the victimized sectors. It should also express its concern about the continuing system of forced recruitment into military service and call on the Guatemalan Government and armed forces to respect the rules of international humanitarian law in the context of a non-international armed conflict, whose political settlement should also be supported.

13. This information has also been brought to the attention of the Working Group on Indigenous Populations.